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Promotion and protection of the rights of children

Letter dated 14 December 2007 from the Permanent Representative of Ghana to the United Nations addressed to the President of the General Assembly

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith the text of the outcome of the African Union second Pan-African Forum on Children: midterm review, adopted in Cairo on 2 November 2007, entitled "Call for accelerated action on the implementation of the Plan of Action towards Africa Fit for Children (2008-2012)" (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 66 (a).

(*Signed*) Leslie Kojo **Christian**
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Representative of the Chairman of the African Union

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Annex to the letter dated 14 December 2007 from the Permanent Representative of Ghana to the United Nations addressed to the President of the General Assembly

[Original: Arabic, English and French]

Call for accelerated action on the implementation of the Plan of Action towards Africa Fit for Children (2008-2012)

I. INTRODUCTION

1. **We**, the Ministers of AU Member States responsible for promoting and safeguarding the rights and welfare of children in our respective countries, meeting in Cairo, Arab Republic of Egypt, from 29 October to 2 November 2007 considered and reviewed the progress made in implementing the 2001 Declaration and Plan of Action of Africa Fit for Children which constituted the African Common Position to the 2002 UN General Assembly Special Session on Children. We focussed our deliberations on the ten priorities set out in the Plan of Action, namely: Overall Framework; Enhancing Life Chances; Overcoming HIV/AIDS; Realising the Right to Education; Realising the Right to Protection; Participation of Youth and Children; Actions at all levels; International Partnership; Follow-up Actions and Monitoring; and Call to Action.

2. **We** reaffirm commitments made in making **Africa Fit for Children**, among others, in:

- The African Charter on the Rights and Welfare of the Child (ACRWC) adopted by the African Heads of State and Government - July 1990;
- The Declaration and Plan of Action on Africa Fit for Children adopted in 2001 which was also Africa's contribution to the UN General Assembly Special Session on Children held in New York - May 2002;
- Plan of Action on African Decade on Persons with Disabilities – 2002;
- The Declaration and Plan of Action on Employment and Poverty Alleviation in Africa adopted by the Third Extraordinary Summit of Heads of State and Government held in Ouagadougou, Burkina Faso in September 2004;
- Plan of Action on the Family in Africa, 2004;
- Decision - Assembly/AU/Dec.75(V) on Accelerating Action for Child Survival and Development in Africa to meet the MDGs, in particular MDG 4 on reducing child mortality and morbidity – Sirte, July 2005;
- Decision - Assembly/AU/Dec.92(VI) on the Second Decade of Education in Africa (2006-2015) – January 2006;
- The Policy Framework and Plan of Action on Sexual and Reproductive Health and Rights – January 2006;
- The Abuja Call for Accelerated Action toward Universal Access to HIV and AIDS, Tuberculosis and Malaria Services in Africa - May 2006;
- The African Youth Charter - July 2006;

- Africa Health Strategy of 2007-2015.

3. **We** further reaffirm all other relevant declarations, decisions, resolutions, recommendations, and policy documents at all levels, including the UN Millennium Declaration and the MDGs on improving the livelihood and well-being of Africa's children.

4. **We** are concerned that the situation of children in Africa remains critical due to socio-economic, cultural, political challenges including conflicts, violence, abuse, neglect, exploitation, trafficking, natural disasters and generally preventable diseases, poverty, and harmful traditional practices.

5. **We** note with concern the special vulnerability of the girl child and children with disabilities; special attention needs to be accorded across all priority actions to help them access services and realize their rights with dignity.

6. **We** are aware that although a number of significant achievements have been made in Africa in the promotion of child survival, protection, development and participation, the progress has been slow and thus targets set in the Africa Fit for Children and the World Fit for Children are yet to be attained.

7. We recognize the need to strengthen mechanisms for accountability to ensure more consistent and comprehensive progress during the next five years.

II. SITUATION AND CHALLENGES

8. The well-being of Africa's children depends first and foremost on the well-being of their families and communities. Africa has among the highest levels of absolute poverty in the world. Government programmes and their outreach to eradicate poverty require considerable effort and support. This has major implications for the health, education and protection of the rights of children. As always, children pay the penalty for a situation over which they have no control or responsibility.

ENHANCING LIFE CHANCES

9. The Declaration and Plan of Action of Africa Fit for Children sets out an ambitious series of measures to ensure that every child in Africa has a good start in life, can grow and develop in a child friendly, nurturing environment of love, acceptance, peace, security and dignity. Considerable progress has been made towards the achievement of these goals. Although new initiatives and developments since the declaration show some promise, the impact is not significant.

10. The life chances of Africa's children is amongst the lowest in the world. Almost 5 million African children die every year from preventable and treatable diseases. Since Africa Fit for

Children was adopted in 2001, an estimated 28,800,000 African children have died of causes that are preventable.

11. Driven by this understanding, in 2007 the African Union Ministers of Health adopted the new Africa Health Strategy. As they noted, "While Africa has 10% of the world's population, it bears 25% of the global disease burden and has only 3% of the global health work force." The new strategy aims to strengthen health systems in a comprehensive manner. It deals with critical areas including reducing neonatal morbidity and mortality, combating malaria and malnutrition. It offers a clear set of directions for dealing with the conditions and diseases that are undermining the life chances of Africa's children.

12. At the same time, it is also understood that non-medical interventions such as clean drinking water and improved sanitation are crucial to the health and nutrition of children and their families.

OVERCOMING HIV AND AIDS

13. The Declaration and Plan of Acton of Africa Fit for Children called for reducing the incidence of HIV amongst young people aged 15-24 years by 25% by 2005 and preventing mother-to-child transmission (PMTCT) of HIV by 25% by the same year. In fact, PMTCT has indeed been reduced by 25% in several countries. Outside Southern and Eastern Africa, the incidence level of the virus among young people has largely remained low. At the same time, additional investment of millions of dollars is available and is being used to fight the pandemic on every front.

14. Still, the magnitude of the pandemic can hardly be exaggerated, especially in Southern and parts of Eastern Africa. In 2006, 2 million children had been infected as had 10 million youth between 15 and 24 years. Of these, three-fourths are female. Only a very small portion of young people who require treatment have access to the same.

15. In some parts of the continent, around one-third of pregnant women are infected and around one-third of the children born to these women will also be infected with the virus. Without treatment, more than half of these children will die before their second birthday. Mother-to-child transmission is the second most common mode of HIV transmission and can be reduced through timely anti-retroviral therapy. However, despite the progress noted above, the necessary drugs are not widely available and in some rural areas the access is very low.

16. One of the unanticipated consequences of the AIDS pandemic for Africa has been the emergence of a virtual nation of children who are orphaned, growing faster than the worst fears predicted. By 2010, it is estimated that the number of children without one of the parents will total 53 million.

17. In 2006, African Union Heads of State and Government, meeting in a special summit on HIV/AIDS, Tuberculosis and Malaria, adopted the Call for Accelerated Action toward Universal access to HIV and AIDS, Tuberculosis and Malaria services in Africa by 2010. Clearly, these diseases remained, as they had been in 2001, the greatest survival issues affecting Africa's children and youth.

REALIZING THE RIGHT TO EDUCATION

18. The Declaration and Plan of Action on Africa Fit for Children reiterated the educational goals and commitments that had been emphasised in other Conferences and Summits of Heads of State and Government and Ministers of Education where they committed themselves to Education For All with an emphasis on provision of universal access to quality, free and compulsory basic education, and ensuring equal access to girls and boys. With the abolition of school fees by a number of countries, more African girls and boys now attend school than ever before. Progress towards Education For All has come closer to reality. Enrolments increased between 1990 and 2005 from 57% to 70%, and in some countries there is improvement in gender parity as well.

19. Nevertheless, educational challenges continue to be a major issue in Africa. An evaluation of the first Decade of Education for Africa (1997-2006) revealed that "most of the goals" were not achieved. Among the issues that urgently need to be tackled are the low completion and high drop out rates, access to education facilities and services for children with disabilities, low transition rates to post-primary education, teacher training, inadequate recreational and sports facilities in schools, technical and vocational training. as well as abuse of children especially adolescents and girls. The number of children out of school continues to rise in some countries. Early childhood development including pre-primary schooling also needs increased focus in order to enhance access. The education systems are still struggling with major resource constraints including, shortage of trained teachers.

20. Inadequate attention has been paid to higher education and research, as a source of human resources and new knowledge for the enrichment of all levels of education. The Ministers also identified the need for state of the art management information systems to facilitate knowledge-based educational planning, monitoring and follow-up.

21. In the face of these realities, African Ministers of Education have ushered in the Second Decade of Education in Africa, 2006-2015, with a comprehensive Plan of Action designed to meet the formidable challenges ahead.

REALIZING THE RIGHT TO PROTECTION

22. The Declaration and Plan of Action of Africa Fit for Children commits state parties to protect children from all forms of abuse, neglect, exploitation and violence. There is inadequate data on most issues of child protection. This includes children affected by armed

conflict, sexual exploitation of boys and girls, female genital mutilation, forced marriage and child marriage, child labour including worst forms of labour.

23. Although some progress has been made, it is still grossly inadequate. There is now an increasing awareness and recognition of violence against girls being a major problem at home, community and even schools. In recent years, considerable attention is being paid to female genital mutilation. Although, initial results are promising, a major continent-wide effort is needed for its elimination. Trafficking for purposes of prostitution, pornography and household servitude has grown rapidly across many African countries. Early and forced marriages remain a harsh reality for millions of young girls. Cultural traditions, customary laws and religious practices are often used to justify such unacceptable and destructive practices.

24. Despite the attention given to the issue, many African children are still affected by armed conflict. Children with disabilities are stigmatized and denied educational opportunities.

25. While some harmonization and domestication of laws have been accomplished, more remains to be done. Only 41 African countries have ratified the African Charter on the Rights and Welfare of the Child. Children's rights are seldom accorded the same priority that society does for adult's rights. Few children enjoy the rights that have been articulated in the ACRWC, UN Convention on the Rights of the Child (CRC) and do not have access to legal protection and remedial measures. Many UN protocols designed for the protection of children have not yet been ratified by some countries.

26. While the seriousness of these many injustices are widely recognized and while certain halting steps forward have been taken, the gap between policy and practice remains very considerable. Africa's children deserve from their governments protection from threats to life and respect for their human dignity.

PARTICIPATION OF CHILDREN AND YOUTH

27. The Declaration and Plan of Action on Africa Fit for Children affirms "the right of youth and children to participate". Some preliminary initiatives have been launched in various parts of the continent to implement this goal. The African Youth Charter, 2006 provides, among others, the right of youth to participate in the development of the continent and in decision-making "at local, national, regional and continental levels of governance".

28. Despite the promises made, the reality is that meaningful participation of children in affairs of state, society, community and family is extremely rare. It should be recognised that a meaningful and well informed participation of children and adolescents not only leads to a better understanding and possible solution to the problems they face, but is also one of the most effective ways to enhance their social development, self esteem as well as respect for others and the need for responsible behaviour.

III. CALL FOR ACCELERATED ACTION

29. We, the Ministers of AU Member States responsible for the promoting the rights and welfare of children, reaffirm our commitment in achieving the targets of the 2001 Plan of Action and commit to the following priority actions in each of the areas:

1. LEGISLATIVE AND POLICY FRAMEWORK

a) All AU Member States to ratify the African Charter on the Rights and Welfare of the Child, by end of 2008;
b) domesticate the Charter and enact appropriate laws or amend laws to bring them in line with the Charter by 2010;
c) accelerate legal reform to ensure all children are protected by comprehensive legislation in line with the African Charter and other international human rights standards;
d) harmonize existing laws on children at national level;
e) requests AU to develop an additional protocol to the ACRWC on elimination of involvement of children in armed conflict;
f) develop an appropriate policy framework within all Ministries dealing with children to accelerate actions for realizing the rights of children and achieve concrete results as noted in this Call for Action.

2. INSTITUTIONAL FRAMEWORK

a) establish adequately resourced and mandated structure(s), such as national observatories, ombudspersons on child rights, that will include children as members;
b) establish appropriate structures to provide leadership, oversight and accountability for implementation of laws, policies and programmes for children;
c) set up functional mechanisms to coordinate the implementation of inter-sectoral programmes for children, that would involve all relevant Ministries and Departments as well as civil society, private sector and institutions represented and led by children themselves;
d) set up a joint task force drawn from the African members of the UN Committee on Rights of the Child and the Committee of Experts on the Rights and Welfare of the Child with adequate regional representation to examine the feasibility of harmonizing and simplifying reporting formats and to examine opportunities for mutual learning as well as options for adding value to each other's processes, when it comes to reporting and review of reports from countries in Africa.

3. MOBILIZING AND LEVERAGING RESOURCES FOR AFRICA FIT FOR CHILDREN

a) allocate sufficient resources in the national plans, Poverty Reduction Strategies and the supporting Medium Term Expenditure Frameworks and budgets for implementing various

elements of the Plan of Action of Africa Fit for Children with a focus on marginalized children, including those from poor families, vulnerable, children who are orphaned and children with disabilities;

b) enhance cooperation among stakeholders for learning lessons from good practices around resource mobilization and explore multi-country proposals for seeking funding from bilateral and international partners as well as from the private sector for accelerating the achievement of the goals in the Plan of Action of the Africa Fit for Children;

c) allocate adequate resources to strengthen social protection measures for children, especially the most vulnerable including children with special needs and those who are orphaned;

d) Allocate sufficient resources for structures created to address children's issues.

4. ENHANCING LIFE CHANCES

a) strengthen health systems in order to provide good and quality maternal and child health services and develop health centres and hospitals that are child friendly, in line with the Africa Health Strategy;

b) scale up essential interventions to reduce maternal morbidity and mortality as well as reduce neonatal mortality;

c) scale up a minimum package of proven childhood interventions based on successful strategies such as Accelerated Child Survival and Development (ACSD) and Integrated Management of Childhood and Neonatal Illnesses (IMNCI) as part of national health policies and plans, poverty reduction strategies and health sector reforms, consistent with the Decision AU/Dec.75 (V) on Accelerating Action for Child Survival and Development in Africa to meet the MDGs;

d) support family and community based actions that enhance children's health, nutrition and well-being including safe drinking water, improved sanitation and hygiene as well as appropriate young child feeding practices and food security measures when needed.

5. OVER-COMING HIV AND AIDS

a) scale up universal access to HIV and AIDS prevention, treatment, care and support (linking with other health measures on promoting reproductive health and reducing Tuberculosis, Malaria and other related diseases) with an emphasis on adolescents, young girls, women, children living with HIV and AIDS and the most vulnerable segments of the society;

b) scale up programmes for Prevention of Mother to Child Transmission of HIV and AIDS;

c) support measures that will assure primary prevention and protection as well as address the social context of HIV and AIDS that makes young girls, adolescents and children more vulnerable;

d) support initiatives to foster positive attitudes towards those affected, and address stigma and exclusion.

6. REALIZING THE RIGHT TO EDUCATION

a) implement the goals of the Second Decade of Education for Africa, 2006-2015;
b) ensure safety of boys and girls in schools, provide for quality child friendly schools that will ensure provision of safe drinking water, segregated toilet facilities for boys and girls and incorporate school health and school feeding, as well as guidance and counseling services, as measures that will enhance quality of learning and reduce drop outs of children;
c) ensure universal access to comprehensive quality basic education including early childhood care and education as well as preschool education, for both girls and boys with special attention to reducing disparities and addressing the rights of the marginalized children, including those from poor families, children on the streets, children with disabilities, children in situations of armed conflict and children out of school;
d) strengthen the Education Management Information System (EMIS) to include data on access, retention and achievement as well as educational processes, such as pedagogical techniques and learning outcomes;
e) develop and expand sports infrastructure at schools and promote extra-curricular activities for children.

7. REALISING THE RIGHT TO PROTECTION

a) ensure universal birth registration through comprehensive measures including campaigns and appropriately resourced systems;
b) put in place a comprehensive juvenile justice system that is consistent with the provisions of the ACRWC including rehabilitation and reintegration of children in conflict with the law;
c) promote and implement integrated national strategies comprising zero-tolerance, backed by appropriate amendment to criminal codes and relevant legislation enforcement and raising awareness to abandon harmful traditional practices such as female genital cutting/mutilation and early marriage;
d) promote and implement multi-sectoral programmes on ending violence against children, including neglect, abuse, sexual exploitation, child labour and trafficking guided by the findings and recommendations of the UN Study on Violence against Children as well as support activities such as lifelines and safe havens to rehabilitate and reintegrate children victims of abuse, sexual exploitation, rape and trafficking;
e) implement measures to prevent conflict through integrating peace education and promoting effective participation of children, consistent with international humanitarian law and the provisions of ACRWC, protect children from the impact of armed conflict and include children in post-conflict reconstruction and rehabilitation activities as well as implement the recommendations of the 10 years review of the Graca Machel study on 'Children in situations of Armed Conflict'.

8. REALISING THE RIGHT TO CHILD PARTICIPATION

a) Promote the right to participation of all children (particularly those who are marginalized, children from poor families, children with disabilities and children who are orphaned and vulnerable) based on their evolving capacities through establishing appropriate consultative fora including child rights clubs, children's parliament, and associations;
b) create a safe and enabling environment for children's participation and provide them with access to appropriate and useful information, listen to their views and support them to participate in decision making and in search of solutions about issues affecting their lives through optimal use of social communication channels and interactive media;
c) provide for full and effective participation of children in all aspects of celebrating the Day of the African Child;
d) document good practices of child participation vis-à-vis how they enhance and accelerate achievement of results for children, for learning lessons and wider application;
e) promote children's participation in sports and cultural activities.

IV. MONITORING AND EVALUATION

30. The Declaration and the Plan of Action on Africa Fit for Children, 2001 suffered from lack of a monitoring and evaluation framework. The review, therefore requests:

Member States to:

a) use the framework for monitoring and evaluation through the national observatories and the coordinating mechanisms to review and track progress, identify gaps and find remedial measures on an annual basis;
b) submit biennial progress reports on status of implementation of the PoA and the Accelerated Call to the AU Organs through the African Union Commission.

AU Commission to:

a) develop a framework for monitoring and evaluation of this Call for Accelerated Action with appropriate baselines, targets and indicators for measuring progress at country level to allow inter-country comparisons, develop continental databases, include findings from research, share knowledge and good practices for scaling up interventions to achieve goals for children;
b) elaborate a ***"State of Africa's Children Report"*** every two years;
c) conduct a review on progress made in implementing this Call and the Plan of Action every five years;
d) strengthen the capacity of the ACERWC to follow up on the monitoring of key provisions of the Plan of Action and the Call;

e) use the information generated from the annual reports of Member States for ensuring the inclusion of children's issues in the African Peer Review Mechanism.

The African Committee of Experts on the Rights and Welfare of the Child *to*:

a) undertake country visits and also use the monitoring and evaluation framework of the Call for Accelerated Action as supplementary information to review the State Parties reports.

V. ROLES AND RESPONSIBILITIES OF OTHER STAKEHOLDERS

31. The AU Commission will ensure that all policy documents related to children on the continent are disseminated as widely as possible amongst all major stakeholders:

a) Regional Economic Communities (RECs) to:

i) establish a social development desk, where it does not exist, to coordinate all social issues including children's programmes;
ii) raise awareness on and promote the rights and welfare of the child in accordance with the African Charter on the Rights and Welfare of the Child and the Plan of Action on Africa Fit for Children;
iii) work closely with Member States, the African Committee of Experts on the Rights and Welfare of the Child and other stakeholders to implement the Declaration and Plan of Action on Children as well as other children's programmes;
iv) develop regional child policies in collaboration with partners and lead the agenda for children in the region;
v) collaborate and exchange information with the AU Commission on all matters related to children;
vi) take the Call and Africa Fit for Children as a regional issue and leverage resources to meet the additional needs identified for accelerating implementation of high impact interventions.

b) The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to:

i) advocate and lobby with Member States for the ratification of the African Charter on the Rights and Welfare of the Child;
ii) lead in advocacy towards implementing the African Charter on the Rights and Welfare of the Child, the Plan of Action on Children, as well as the Accelerated Call for Action;
iii) monitor and report cases of violation of children's rights, particularly in conflict and other emergency situations.

c) Other AU Organs (especially Pan-African Parliament, ECOSOCC, Peace and Security Council) to:

i) accord high priority to the Call for Accelerated Action and the Plan of Action on Africa Fit for Children on their agenda and play meaningful roles in implementing these commitments;
ii) include the promotion of children's rights and welfare in their specific programmes;
iii) work in collaboration with the Department of Social Affairs and the African Committee of Experts on the Rights and Welfare of the Child on child related activities.

d) Development Partners to:

i) provide technical and financial support to Governments to continue to implement the Declaration and Plan of Action on Africa Fit for Children as well as the Call for Accelerated Action;
ii) accord high priority to financing various elements for scaling up actions to achieve results for Africa fit for Children;
iii) collaborate with the AU Commission and Member States to promote, disseminate and implement the Plan of Action on Africa Fit for Children and the Call for Accelerated Action.

e) Civil Society to:

i) create network of civil society organizations to support the dissemination, implementation and monitoring of the Call for Accelerated Action and the 2001 Plan of Action;
ii) provide relevant information to the AU Commission to assist in compiling progress reports, and also the State of the Africa's Children report.

f) Children's Groups *to*:

i) participate in the implementation and monitoring of the Call for Accelerated Action and the 2001 Plan of Action;
ii) mobilize themselves to use all available fora to bring children's perspective in decisions and programmes that affect children.

IMMEDIATE FOLLOW-UP ACTIONS

32. **We** hereby,

- Mandate the current Chairperson of the African Union to submit this Call for Accelerated Action as Africa's contribution towards the Mid-term Review of the World Fit for Children at the UN General Assembly Commemorative High-Level Plenary Meeting to be held in December 2007.

- Call for measures to be taken at all levels to implement the commitment made in the Plan of Action on Africa Fit for Children and the Accelerated Call for Action.

- Call for the dissemination of the Call for Accelerated Action as widely as possible.